



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, MARCH 30, 2004

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Pastor John D. MaGee of the Carter Memorial AME Church

Pledge of Allegiance to the Flag

Presentation by the Sunnyside High School Choir - Councilmember Dages

Welcome and Introduction of the Delegation from Lipestsk Russia - Council President Castillo

Proclamation of "POLICE CAPTAIN SHARON SHAFFER DAY" in honor of Women's History Month - Councilmember Sterling

Presentation of Certificates of Recognition to the Edison High School Academic Decathlon Team for Their First Place Finish in the Regional Competition - Council President Castillo

Presentation of Certificates of Recognition to Student in District 7 - Acting President Perea

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of March 16, 2004

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. Approval of a special lease agreement with Macherich Fresno Limited Partnership (Fashion Fair) for a portion of a building and parking located on their property at no cost to the City of Fresno for use by the Police Department - Police Dept.

Action Taken:

- B. Approve reappointment of Cam Maloy to the Historic Preservation Commission; the reappointment of Shari Boggess and Max D. Futrell to the Civil Service Board; and reappointments of Al Grace and Robert Kast to the Fresno-Madera Area Agency on Aging Board - Mayor Autry

Action Taken:

- C. * **RESOLUTION - 76th** amendment to AAR No. 2003-209 appropriating \$260,000 to the Fire Department's fiscal year 2004 annual budget for enhancement and continuing operation of the Metropolitan Medical Response System (MMRS) Program **(Requires 5 affirmative votes)** - Fire Dept.

Action Taken:

1.

GENERAL CONSENT CALENDAR CONTINUED

- D. * Award a contract to Lockwood General Engineering of Visalia, CA for Coventry Court subdivision installation of a multi purpose trail - General Services Dept./Public Works Dept.
Action Taken:
- E. * Award a contract to Ford Construction Company, Inc. of Lodi, California, for Phase I of the Fresno Yosemite International Airport air cargo park development (rebid) - Airports/General Services Dept.
Action Taken:
- F. * Award a contract to Tomco Equipment Company of Loganville, Georgia for a carbon dioxide storage tank - General Services Dept./Dept. Of Public Utilities
Action Taken:
- G. * Award a requirements contract to General Chemical Performance Products, LLC of Parsippany, New Jersey, for bulk aluminum sulfate - General Services Dept./Public Works Dept.
Action Taken:
- H. * Award a requirements contract to Carus Corporation of Peru, Illinois for ortho/poly phosphate blend - General Services Dept./Public Works Dept.
Action Taken:
- I. Approve the drug testing procedure policy modification regarding safety sensitive employees in accordance with Federal law - Personnel Department
Action Taken:
- J. * Award a requirements contract to Pioneer Americas, LLC of Walnut Creek, CA for bulk sodium hydroxide (caustic soda) - General Services Dept./Public Works Dept.
Action Taken:
- K. **RESOLUTION** - Approving the Final Map of Tract No. 5101 and accepting dedicated public uses therein; authorize the Fire Chief, Public Utilities Director, Public Works Director, and Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken:
- L. **RESOLUTION** - Approving the Final Map of Tract No. 5148 and accepting dedicated public uses therein; authorize Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken:
- M. 1. **RESOLUTION** - Approving the summary vacation of Browning Avenue between Cornelia and Milburn Avenues
Action Taken:
2. **RESOLUTION** - Approving the Final Map of Tract No. 5098 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- N. **RESOLUTION** - Approving the Final Map of Tract No. 5206 and accepting dedicated public uses therein; authorize Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken:
1. * **RESOLUTION** - 72nd amendment to AAR No. 2003-209 appropriating \$124,200 for the purpose of funding right-of-way acquisition along S. Marks Avenue and W. Kearney Boulevard (UGM Tract No. 5206) **(Requires 5 affirmative votes)**
Action Taken:
- O. **RESOLUTION** - Rescinding Resolution No. 9142 to reinstate the "H" Street name between Merced and Kern Streets - Planning and Development Dept.
Action Taken:
- P. Approve 1st amendment to agreement with Peters Engineering for professional design services - First and Tulare intersection improvements - Public Works Dept.
Action Taken:
- Q. Approve the purchase of a portion on California Avenue at West Avenue to be developed to a City water well site for Pump Station No. 26B - Public Works Dept.
Action Taken:
- R. * **RESOLUTION** - 71st amendment to AAR appropriating \$720,000 for fiber optic interconnect infrastructure for Clovis Unified School District (CUSD) **(Requires 5 affirmative votes)** - Public Works Dept.
Action Taken:
- S. **RESOLUTION** - Approving the Final Map of Tract No. 5067 and accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents - Planning and Development Dept.
1. * **RESOLUTION** - 77th amendment to AAR No. 2003-209 appropriating \$60,000 for the purpose of funding for rights-of-way acquisition along the N. Willow Avenue (UGM Tract 5067) **(Requires 5 affirmative votes)**
- T. Approve 2nd amendment to agreement with Biggs Cardosa Associates, Inc., for professional engineering services for replacement of Herndon canal bridge at Palm Avenue - Public Works Dept.
Action Taken:
- U. Approve a time extension of agreement C-1074 to receive funds from the San Joaquin Valley Air Pollution Control District Heavy-Duty Engine Incentive Program - General Services Dept./Fleet Management
Action Taken:
- V. Approve agreement with ADS Environmental Services for sewer flow monitoring equipment maintenance/repairs services - Dept. Of Public Utilities
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- W. * Award a contract to Lee Crippen Excavation of Fresno for demolition of sub-standard structure located at 226 E. Whitesbridge Avenue (rebid) - General Services Dept.
Action Taken:
- X. **RESOLUTION** - Declaring the results of the consolidated direct primary election held within the City of Fresno on March 2, 2004 - City Clerk's Office
Action Taken:
- Y. * **RESOLUTION** - 11th amendment to Salary Resolution No. 2003-213 amending Section 10, paragraphs B(1)(e) & B(1)(f) rescinding the pensionability of annual leave payout for retirement purposes for non-represented management employees - Personnel Services Dept.
Action Taken:
- Z. * Award a contract to the Pacific Institute for leadership facilitator education training in the amount of \$18,100 - Personnel Services Dept.
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

- 9:30 A.M. **HEARING** - Consider a resolution of public use and necessity for the acquisition of permanent easements and rights-of-way for public street purposes for the North Avenue street widening project from the following three (3) parcels of real property: APN's 329-090-02, 329-180-08 and 487-140-32 (***Property located in District 3***) - Public Works Dept.
Action Taken:
- a. * **RESOLUTION** - That the public interest and necessity require the acquisition of permanent easements and rights-of-way for public street purposes from real property: APN's 329-090-02, 329-180-08 and 487-140-32 (***Requires 5 affirmative votes***)
Action Taken:
- 9:45 A.M. **HEARING** to consider resolution of public use and necessity for the acquisition of permanent easements and rights-of-way and temporary construction easements and rights-of-way for public street purposes for the Shaw Avenue and West Avenue street widening project from the following five (5) parcels of real property: APN's 424-060-08, 424-060-14, 424-060-15, 415-070-66S and 425-021-01 (***Property located in Districts 2 and 7***)
Action Taken:
- a. * **RESOLUTION** - That the public interest and necessity require acquisition of permanent easements and rights-of-way and temporary construction easements and rights-of-way for public street purposes from real property: APN's 424-060-08, 424-060-14, 424-060-15, 415-070-66S and 425-021-01 (***Requires 5 affirmative votes***)
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** - To adopt a resolution to vacate portions of Weldon, Glenn, and Calaveras Avenues - Public Works Dept.
Action Taken:
a. * **RESOLUTION** - Vacating portions of Weldon, Glenn, and Calaveras Avenues and a portion of the Weldon-Normal alley - Public Works Dept.
Action Taken:
- 10:15 A.M. HEARING** to consider Rezone Application No. R-03-73 and environmental findings, filed by Ed Daniels, pertaining to a 10-acre parcel of land located on the southeast corner of W. Shields and N. Valentine Avenues - Planning and Development Dept. **(Property located in District -3)**
Action Taken:
1. Consider and adopt Environmental Assessment No. R-03-73, finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
2. **BILL** - Amending the Official Zone Map to rezone the site **from** the C-6/UGM (*Heavy Commercial/Urban Growth Management*) zone district **to** the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district
Action Taken:
- 10:30 A.M. HEARING** to consider Rezone Application No. R-03-070, Site Plan Review Application No. S-03-357, and environmental findings, filed by Paul Stommel on behalf of Percy and Crystal Williams, pertaining to a 0.55-acre parcel of land located on the southwest corner of N. Cornelia and W. Donner Avenues-Planning and Development Dept. - **(Property located in District 2)**
Action Taken:
1. Consider and adopt the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-03-070/S-03-357
Action Taken:
2. **BILL** - Amending the Official Zone Map to rezone the parcel **from** the R-P/UGM (*Residential and Professional Offices/Urban Growth Management*) zone district **to** the R-2/UGM (*Low Density Multiple-Family Residential/Urban Growth Management*) zone district
Action Taken:
- 10:35 A.M. HEARING** to consider Plan Amendment Application No. A-03-15, Rezone Application No. R-03-64, and environmental findings, filed by Dirk Poeschel on behalf of LiDestri Foods, pertaining to 65 acres of land located on the southeast corner of E. Butler and S. Temperance Avenues - Planning and Development Dept. **(Property located in District 5)**
Action Taken:
1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-15/R-03-64/C-03-218
Action Taken:
2. **RESOLUTION** - Amending the 2025 Fresno General Plan
Action Taken:
3. **BILL** - Amending the Official Zone Map to rezone the property **from** AE-20 (County) (*Exclusive Twenty Acre Agricultural*) zone district **to** the M-1/UGM (City) (*Light Manufacturing/Urban Growth Management*) zone district
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:45 A.M. HEARING to consider Plan Amendment Application No. A-03-013, Rezone Application No. R-03-062, Conditional Use Permit Application No. C-03-212, and environmental findings, filed by JCT Development II LLC, the Asch Family, and Ashlan-Blythe Partners, pertaining to an 8.66-acre parcel of land located on the southwest corner of W. Ashlan and N. Blythe Avenues - Planning and Development Dept.

(Property located in District 1)

Action Taken:

1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-013/R-03-062/C-03-212/PM-2003-29

Action Taken:

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan

Action Taken:

3. **RESOLUTION** - Approving Conditional Use Permit Application

Action Taken:

4. **BILL** - Amending the Official Zone Map to rezone approximately 6.22 acres of the property from AE-5/UGM (*Exclusive Five-Acre Agricultural/Urban Growth Management*) to S-L/UGM (*Storage/Limited Mini Storage Facility/Urban Growth Management*) and to rezone the remaining 2.44 acres at the corner of West Ashlan and North Blythe Avenues from AE-5/UGM (*Exclusive Five-Acre Agricultural/Urban Growth Management*) to C-6/UGM (*Heavy Commercial/Urban Growth Management*) zone district

Action Taken:

11:00 AM#1 HEARING to consider Plan Amendment Application No. A-03-06, Rezone Application No. R-03-38, and environmental findings, filed by Sherman Spradling of the Werfel Family Limited Partnership, pertaining to 5.15 acres of land located on the northeast corner of S. Orange and E. California Avenues - Planning and Development Dept. **(Property located in District 5)**

Action Taken:

1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-06/R-03-38

Action Taken:

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Roosevelt Community Plan

Action Taken:

3. **BILL** - Amending the Official Zone Map to rezone the property **from** the M-1 (*Light Manufacturing*) zone district **to** the R-1 (*Single Family Residential*) zone district

Action Taken:

11:00 AM#2 JOINT SESSION WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY

- A. Elect Chairperson and Vice Chairperson (***FJPFA Action***)

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 AM#2 JOINT SESSION WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY CONTINUED

- B. HEARING** pursuant to the Government Code to consider the issuance by the Fresno Joint Powers Financing Authority (JPFA) of its lease revenue bonds (various capital improvements) Series 2004 in an amount not to exceed \$60 million for the purpose of financing various capital improvements and its public benefit to the City - Mayor Autry, Councilmembers Duncan and Boyajian and Finance Dept.

Action Taken:

- 1. RESOLUTION** - Approving the issuance by the Fresno Joint Powers Financing Authority of Lease Revenue Bonds (Various Capital Improvements) Series 2004 to finance Certain Capital Improvements of the City; authorizing the execution and delivery of Leases, Subleases, Bond Purchase Agreement, Official Statement and Continuing Disclosure Certificate, and authorizing execution of documents and taking of all necessary actions relating to the financing (**Council Action**)

Action Taken:

- 2. RESOLUTION** - Authorizing the issuance and sale of Lease Revenue Bonds (Various Capital Improvements) Series 2004 to finance Certain Capital Improvements of the City; authorizing the procurement of bond insurance; authorizing the execution and delivery of a Trust Agreement, Leases, Subleases, Bond Purchase Agreement, Official Statement and Continuing Disclosure Certificate, and authorizing execution of documents and taking of all necessary actions relating to the bonds (**FJPFA Action**)

Action Taken:

ADJOURN AUTHORITY

- 11:00 AM#3** Direction regarding local options to address State efforts to pass State deficit onto cities - Mayor Autry and Finance Dept.

Action Taken:

- 11:00 AM#4** Authorize the City Manager to negotiate the purchase of Wesson property located at 761 W. Hammond Avenue for public benefit - Mayor Autry, Councilmembers Sterling and Duncan

Action Taken:

2:00 PM #1 **CONTESTED CONSENT ITEMS**

2:00 PM #2 **CLOSED SESSION**

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 PM #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:45 P.M. **HEARING** to consider Rezone Application No. R-03-59, and environmental findings, filed by Vic Deverian, pertaining to approximately 80 acres of land located on the southeast corner of East Dakota and North Temperance Avenues - Planning and Development Dept. **(Property located in District 4)**
Action Taken:

1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment R-03-59/C-03-204/T-5237

Action Taken:

2. **BILL** - Amending the Official Zone Map to rezone the property **from** the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district **to** the R-1/EA/UGM (*Single Family Residential/Expressway Area/Urban Growth Management*) zone district

Action Taken:

3:30 P.M. - 3:45 P.M. **RECESS**

3:45 P.M. **JOINT SESSION WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of March 9, 2004

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

- A. Receive and give direction to staff to develop a twelve (12) month exclusive negotiation agreement between the Redevelopment Agency of the City of Fresno and Forest City Development California, Inc. **(Agency action)**

Action Taken:

ADJOURN AGENCY

4:30 P.M. **RESOLUTION** - in support of establishing a special relationship with Ba'Qubah, Iraq and a temporary Council committee to further develop the elements of the relationship - Councilmembers Dages and Duncan

Action Taken:

5:00 P.M. **HEARING** on request for appeal of issuance of Demolition permit (Application No. 04-000076) for McMahan's Building (945 Van Ness and 2060 Tulare Street) - Planning and Development Dept.

Action Taken:

2. **GENERAL ADMINISTRATION**

- A. * **BILL NO. B-32 - (Intro. 3/16/2004) (For adoption)** - Adding Article 6 to Chapter 3 of the Fresno Municipal Code relating to regulating communications with the Mayor and Councilmembers during competitive contracting process - Councilmember Dages
Action Taken:

3. **CITY COUNCIL**

- A. Direct City Manager to prepare report with alternatives for police training. In the interim, request City Manager to direct the Police Department to cease training involving discharge of firearms at the former United States Department of Agriculture site on the east side of Peach between Hamilton and California Avenues - Councilmember Dages
Action Taken:

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.**

A. **SCHEDULED PUBLIC COMMENT**

- B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr. 6 - **MEETING CANCELLED - EASTER WEEK**

Apr. 13 - **9:15 A.M.** Presentation by L. Lynch - Councilmember Calhoun

Apr. 13 - **9:30 A.M.** Presentation by PG&E - Council President Castillo

Apr. 13 - **10:00 A.M.** **HEARING** re: vacation of Washington Avenue between Thesta Street and the Fresno-Howard Alley, Howard Street between McKenzie Avenue and Washington Avenue, and the Howard-Thesta Alley north of McKenzie Avenue (R.I. No. 1033-D)

Apr. 13 - **10:15 A.M.** **HEARING** re: vacation of a portion of the Broadway - "H" Alley between Amador and Sacramento Street, - R.I. No. 1034-D

Apr. 13 - **10:30 A.M.** **HEARING** re: Plan Amendment No. A-03-11, Rezone Appl. No. R-03-57, filed by John Allen

Apr. 13 - **10:45 A.M.** **JOINT HEARING** with the Redevelopment Agency re: Disposition and Development Agreement betw. RDA and 1145 San Benito Ave. for two (2) vacant parcels, one at the northeast corner of "B" Street and San Benito Ave., and the other at the corner of the intersection of "B" Street and Geneva Avenue, (APNs 467-173-15T and 478-074-26T respectively) are together approximately 126,759.6 square feet

Apr. 13 - **2:15 P.M.** **WORKSHOP** re: Urban forest - Parks, Recreation and Community Services Dept. and

Public Works Dept. - **Meeting Room "A" - 2165N**
Apr. 20 - 10:00 A.M. Presentation of Employee Service Awards (*Reception immediately following - 2nd floor foyer*)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Apr. 27 - 8:30 A.M. Presentation of P.R.I.D.E. Team Certificates (*Reception immediately following - 2nd floor foyer*)
Apr. 27 - 10:00 A.M. **HEARING** re: Rezone Application No. R-03-14, filed by Sunridge Developers, property located on the west side of Clovis Avenue betw. E. Church and E. Jensen
Apr. 27 - 10:45 A.M. Zoo Committee report (*Action to be requested*)
Apr. 27 - 2:15 P.M. **JOINT WORKSHOP** re: Caltrans and City Partnership - Public Works and Planning and Dev. Depts. - Council President Castillo

UPCOMING WORKSHOPS

Apr. 27 - 2:15 P.M. **JOINT WORKSHOP** re: Caltrans and City Partnership - Public Works and Planning and Dev. Depts. - Council President Castillo

FUTURE WORKSHOP (*Date to be determined*)

WORKSHOP re: Consideration of additional services to be provided by Community Facilities Districts in the City of Fresno - Public Works Dept. - **Meeting Room "A" - 2165N**

WORKSHOP relating to Neighborhood Infrastructure Master Plan - Public Works Dept.